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Las Vegas Sands Corp.

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

LAS VEGAS SANDS CORP., a Nevada  
corporation,

**COMPLAINT**

Plaintiff, v.

FIRST CAGAYAN LEISURE & RESORT  
CORPORATION, a foreign corporation, WANN  
YICHEN, an individual, QING WAN LENG, an  
individual, and UNKNOWN REGISTRANTS  
OF WWW.358.COM, WWW.359.COM,  
WWW.JS2255.COM, WWW.JS2299.COM,  
WWW.JS33333.COM, JS55555.COM,  
WWW.JINSHA.COM, WWW.1133JS.COM,  
WWW.1166JS.COM, WWW.1177JS.COM,  
WWW.1188JS.COM, and WWW.1199JS.COM,

Defendants.

For its complaint, Las Vegas Sands Corp. alleges the following:

**NATURE OF THE CASE**

Plaintiff Las Vegas Sands Corp., a publicly traded Fortune 500 company, is the leading global developer of destination properties that feature premium accommodations, world-class gaming and entertainment, convention and exhibition facilities, celebrity chef restaurants, and many other amenities.

Las Vegas Sands Corp. brings this action against the known and unknown registrants of twenty six Internet domain names who are using Las Vegas Sands Corp.'s world famous "Sands" trademark, Sunburst design, and "Jinsha" characters on websites to falsely affiliate themselves with Las Vegas Sands Corp., to lure prospective gamblers to overseas online casinos,

1 and to unlawfully and in bad faith advertise, promote, and provide online casino services and  
2 gambling services.

3 In this action, Las Vegas Sands Corp. asserts claims for trademark infringement, false  
4 designation of origin, and dilution under the Lanham Act, 15 U.S.C. §§ 1114(a), 1125(a)(1)(A),  
5 and 1125(c), as well as claims for common law trademark infringement, common law unfair  
6 competition, and copyright infringement under the Copyright Act, 17 U.S.C. § 101 *et seq.* Las  
7 Vegas Sands Corp. seeks temporary, preliminary, and permanent injunctive relief, as well as  
8 damages, attorneys' fees, and costs.

9 **JURISDICTION AND VENUE**

10 1. This Court has subject matter jurisdiction over this case pursuant to 28 U.S.C.  
11 §§ 1331 and 1338(a), because Plaintiff's claims arise under the laws of the United States,  
12 specifically, under the Lanham Act, 15 U.S.C. §§ 1114 and 1125(a)(1)(A).

13 2. This Court has personal jurisdiction over Defendant under the effects test  
14 articulated by the United States Supreme Court in *Calder v. Jones*, 465 U.S. 783, 104 S. Ct.  
15 1482, 79 L. Ed. 2d 804 (1984). Defendants are intentionally using Plaintiff's famous and  
16 federally registered SANDS trademarks without Plaintiff's authorization, license, or consent, on  
17 websites that directly or indirectly provides Internet-based casino and gambling services.  
18 Defendants are using Plaintiff's federally registered trademarks in bad faith to falsely associate  
19 themselves with Plaintiff, to falsely suggest that Plaintiff approves or endorses Defendants'  
20 services, and to trade off of the substantial fame, goodwill, and consumer recognition Plaintiff  
21 has acquired in its trademarks through longstanding use in commerce, advertising, and  
22 substantial investment. Upon information and belief, the Defendants knew and have known at  
23 all times that Plaintiff is located in Las Vegas, Nevada, and that any injury Plaintiff would suffer  
24 resulting from Defendants' conduct would occur and be felt by Plaintiff in Las Vegas, Nevada.  
25 Upon information and belief, Defendants have expressly aimed and/or purposefully directed their  
26 tortious conduct at Plaintiff in Las Vegas, Nevada. Given the foregoing, the exercise of personal  
27 jurisdiction over the Defendants is reasonable.

28 3. Venue is proper in the United States District Court for the District of Nevada

under 28 U.S.C. § 1391(b), (c), and/or (d). Venue is proper in the unofficial Southern division of this Court.

### **PARTIES**

4. Plaintiff Las Vegas Sands Corp. is a Nevada corporation with its principal place of business in Las Vegas, Nevada.

5. Defendant First Cagayan Leisure & Resort Corporation (“First Cagayan”) is a corporation duly organized and existing under the laws of the Republic of the Philippines. First Cagayan operates a website at [www.firstcagayan.com](http://www.firstcagayan.com). According to its website, “First Cagayan is at the forefront of the development of the gaming infrastructure in the [Cagayan Special Economic] Zone.” The Cagayan Special Economic Zone is located at the northeastern tip of the Philippines. First Cagayan’s website is registered to Bingo Bonanza Corporation. The “registrant email” address for the website listed in the publicly accessible WHOIS database of domain name registrants is: [edlopez@bingob.com](mailto:edlopez@bingob.com).

6. Defendant Wan Yichen (“Yichen”) is a citizen of China who lives in China. Yichen is the registrant of the following Internet domain names: [www.jinsha1111.com](http://www.jinsha1111.com), [www.jinsha2222.com](http://www.jinsha2222.com), [www.jinsha3333.com](http://www.jinsha3333.com), [www.jinsha5555.com](http://www.jinsha5555.com), [www.jinsha6666.com](http://www.jinsha6666.com), [www.jinsha7777.com](http://www.jinsha7777.com), [www.11111js.com](http://www.11111js.com), [www.22222js.com](http://www.22222js.com), [www.33333js.com](http://www.33333js.com), [www.66666js.com](http://www.66666js.com), [www.88888js.com](http://www.88888js.com), and [www.99999js.com](http://www.99999js.com). Yichen registered these domain names with eNom, Inc. (“eNom”).

7. Defendant Qing Wan Leng (“Leng”) is a citizen of China who lives in China. Leng is the registrant of Internet domain names: [www.2089.com](http://www.2089.com) and [www.6953.com](http://www.6953.com). Leng registered these domain names with GoDaddy.com, Inc. (“GoDaddy”).

8. Defendants Unknown Registrants of [www.358.com](http://www.358.com), [www.359.com](http://www.359.com), [www.js2255.com](http://www.js2255.com), [www.js2299.com](http://www.js2299.com), [www.js33333.com](http://www.js33333.com), [js55555.com](http://js55555.com), [www.jinsha.com](http://www.jinsha.com), [www.1133js.com](http://www.1133js.com), [www.1166js.com](http://www.1166js.com), [www.1177js.com](http://www.1177js.com), [www.1188js.com](http://www.1188js.com), and [www.1199js.com](http://www.1199js.com), are the persons and/or organizations who registered these domain names. Their identities are unknown because the domain names were registered using a “privacy protection” service offered by eNom, Inc. through its affiliate Whois Privacy Protection Service,

Inc. or by GoDaddy.com, Inc. through its affiliate DomainsByProxy, LLC. These companies register domain names without listing the registrant's true name, email address, or contact information in the publicly available "WHOIS" database of domain name registrants. Instead, these companies submit "proxy" information to the WHOIS database to identify the registrant. For example, the registrant of www.358.com is listed in the WHOIS database as "WHOIS AGENT," the registrant organization is listed as "Whois Privacy Protection Service, Inc.," and the registrant email address is listed as "dbmbdmmmbvk@whoisprivacyprotect.com." Domain name registrars typically forward emails sent to such proxy email addresses to the registrant of the domain name by using the registrant's true email address, provided to the registrar at the time of registration.

### **ALLEGATIONS COMMON TO ALL COUNTS**

#### **Las Vegas Sands Corp. and Its World Famous Trademarks**

9. Las Vegas Sands Corp. is a world famous Fortune 500 company that is publicly traded on the New York Stock Exchange. Las Vegas Sands Corp. was incorporated in Nevada in 2004. Las Vegas Sands Corp. is the leading global developer of destination properties that feature premium accommodations, world-class gaming and entertainment, convention and exhibition facilities, celebrity chef restaurants, and many other amenities. Las Vegas Sands Corp.'s properties include The Venetian, The Palazzo and the Sands Expo and Convention Center in Las Vegas, Nevada; the Sands Bethlehem in Bethlehem, Pennsylvania; the Sands Macao, The Venetian Macao, the Four Seasons Hotel Macao, and the Sands Cotai Central in Macao; and the Marina Bay Sands in Singapore.

10. The original Sands Hotel in Las Vegas, Nevada, became famous by, among other things, attracting numerous celebrities and serving as the setting for several famous Hollywood films, including the original "Ocean's Eleven" movie. Since 1952, Las Vegas Sands Corp.'s predecessors-in-interest and, since 2004, Las Vegas Sands Corp., have used the SANDS trademark (in both standard character and stylized forms) to provide, among others, casino services (*i.e.*, gambling and casino games).

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11. Also since 1952, Las Vegas Sands Corp.'s predecessors-in-interest and, since 2004, Las Vegas Sands Corp., have used the Sunburst design alone or in combination with the SANDS mark in connection with casino services. The Sunburst design appears as follows:



12. As a result of its longstanding use of the SANDS trademark and Sunburst design in commerce, Las Vegas Sands Corp. has developed common law trademark rights in the SANDS trademark and Sunburst design for use in connection with, among others, casino services.

13. In addition to its common law rights, Las Vegas Sands Corp. owns several federal trademark registrations, including federal trademark registrations for the SANDS word mark and for the stylized SANDS design mark for use in connection with casino services:

Mark	Fed. Reg. No.	First Use	Goods and Services
<i>Sands</i>	1,209,102	1/1/1952	"Entertainment services-namely, providing stage show, gambling and casino services . . . ."
<b>SANDS</b>	3,734,615	12/31/1952	"[P]roviding casino and gaming services; providing casino and gambling facilities . . . ."
<i>Sands</i>	3,838,397	11/30/1996	"Casino services; gambling services; gaming services; Entertainment services in the nature of boxing contests and art exhibitions; arranging of seminars and conferences; educational demonstrations; rental of audio-visual equipment; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade show booths and exhibitions; entertainment, namely, lighting production."
<b>SANDS</b>	3,850,500	11/30/1996	"Casino services; gambling services; gaming services; entertainment services in the nature of boxing contests and art exhibition; arranging of seminars and conferences; educational demonstrations; rental of portable stages; rental of audio-visual equipment; preparation of special effects for trade

			show booths and exhibitions; entertainment, namely, lighting production.”
	3,504,043	10/01/2007	“Providing and rental of exhibition stands and booths including respective equipment; organizing exhibitions for commercial or advertising purposes; planning and conducting of trade fairs, exhibitions and presentations for economic or advertising purposes; consultation relating to trade fairs; rental of advertising space; rental of office machinery and equipment.”
	3,930,913	4/9/2008	“Providing convention facilities; Resort hotels”
<b>SANDS</b>	4,042,291	5/22/2009	“Hotel, restaurant, bar services, catering services, providing facilities for conventions, banquets, social functions, fund raising and special events.”

14. Las Vegas Sands Corp. also owns a Nevada state trademark registration for SANDS HOTEL & CASINO (Reg. No. TN00250422). (All of the aforementioned marks are collectively referred to herein as the “SANDS Marks”.) True and accurate copies of the registration certificates for the SANDS Marks are attached hereto as Exhibit A. None of the aforementioned federal and state trademark registrations have been abandoned, canceled, or revoked.

15. Las Vegas Sands Corp. uses the SANDS Marks in commerce in connection with advertising and promoting its resort hotel properties and its casino services in the United States and around the world.

16. Las Vegas Sands Corp. has spent millions of dollars to promote and advertise the SANDS Marks in print and broadcast media, and on the Internet, including through various websites, including those located at <lasvegassands.com>, <marinabaysands.com>; <pasands.com>; and <sandsexpo.com>.

17. Based on its federal and state trademark registrations, extensive use, and common law rights, Las Vegas Sands Corp. owns the exclusive right to use the SANDS Marks in commerce in connection with hotel, casino, and related services and goods.

18. The SANDS Marks have become distinctive and famous in the United States and around the world for, among others, resort hotel and casino services.

19. In addition to the foregoing trademark rights, Las Vegas Sands Corp. is the owner of all copyrights in and to the Sunburst design. Las Vegas Sands Corp.'s predecessors first published the Sunburst design on December 15, 1952. Las Vegas Sands Corp. registered its copyrights in the Sunburst design with the U.S. Copyright Office effective June 21, 2010, and was granted U.S. Copyright Registration Certificate No. VA 1-724-059. A true and accurate copy of Plaintiff's registration certificate is attached hereto as Exhibit B.

### **The Defendants' Infringing Conduct**

20. The Defendants have set up a network of Chinese language Internet websites (all of which are accessible to U.S. citizens) designed to drive Internet users to one or more online casinos. These websites are located at twenty six Internet domains: www.358.com, www.359.com, www.2089.com, www.6953.com, www.js2255.com, www.js2299.com, www.js33333.com, www.js55555.com, www.jinsha.com, www.jinsha1111.com, www.jinsha2222.com, www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com, www.jinsha7777.com, www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, www.1199js.com, www.11111js.com, www.22222js.com, www.33333js.com, www.66666js.com, www.88888js.com, and www.99999js.com (collectively the "Domains").

21. Each of the Domains are using Las Vegas Sands Corp.'s world famous "Sands" trademark, "Jinsha" characters, and Sunburst design on websites associated with the Domains to falsely affiliate themselves with Las Vegas Sands Corp., to lure prospective gamblers to overseas online casinos not owned, operated by, approved of, affiliated with, or sponsored by Las Vegas Sands Corp., and to unlawfully and in bad faith advertise, promote, and provide online casino services and gambling services.

22. The extent of the Defendants' network of domain names and gambling websites is presently unknown. To date, however, Las Vegas Sands Corp. has discovered three "directory sites." These sites are located at www.358.com, www.2089.com, and www.jinsha.com. Each of



these sites display a single webpage that prominently features the stylized SANDS design mark in bright yellow font centered at the top of the page. Each of these sites display a single webpage that prominently features the stylized SANDS design mark in bright yellow font centered at the top of the page, as well as “Jinsha” -- two Chinese characters coined by Las Vegas Sands Corp. to act as the Chinese language equivalent of the SANDS mark. Roughly translated, Jinsha means “golden sands” in Chinese. Jinsha appears on each of these sites to the immediate left of the SANDS mark in larger font. In addition, to the right of the SANDS mark, each of these three sites feature Las Vegas Sands Corp.’s Sunburst design in larger font:



网址1: 访问速度10ms	=>	<a href="http://www.js2299.com">http://www.js2299.com</a>	=>	点击进入
网址2: 访问速度10ms	=>	<a href="http://www.js2255.com">http://www.js2255.com</a>	=>	点击进入
网址3: 访问速度20ms	=>	<a href="http://www.1188js.com">http://www.1188js.com</a>	=>	点击进入
网址4: 访问速度20ms	=>	<a href="http://www.1177js.com">http://www.1177js.com</a>	=>	点击进入
网址5: 访问速度20ms	=>	<a href="http://www.1199js.com">http://www.1199js.com</a>	=>	点击进入
网址6: 访问速度30ms	=>	<a href="http://www.jinsha7777.com">http://www.jinsha7777.com</a>	=>	点击进入
网址7: 访问速度30ms	=>	<a href="http://www.1166js.com">http://www.1166js.com</a>	=>	点击进入
网址8: 访问速度30ms	=>	<a href="http://www.359.com">http://www.359.com</a>	=>	点击进入
网址9: 访问速度30ms	=>	<a href="http://www.jinsha6666.com">http://www.jinsha6666.com</a>	=>	点击进入
网址10: 访问速度40ms	=>	<a href="http://www.js5555.com">http://www.js5555.com</a>	=>	点击进入

再次检测更新

温馨提示:ms数值越小,越靠前的网址,打开速度就越快  
如果我们的检测中心对您有帮助, 请按 Ctrl+D 收藏

23. Directly beneath the SANDS Marks and centered on the page, each of these three sites includes a table of domain names, as shown above. To the right of each domain name is a button that, when clicked, links to an online casino located at the domain name. The following table lists each directory site and the online casinos accessible from each such site:

<b>www.358.com</b>	<b>www.2089.com</b>	<b>www.jinsha.com</b>
<a href="http://www.js2299.com">www.js2299.com</a>	<a href="http://www.359.com">www.359.com</a>	<a href="http://www.359.com">www.359.com</a>
<a href="http://www.js2255.com">www.js2255.com</a>	<a href="http://www.66666js.com">www.66666js.com</a>	<a href="http://www.22222js.com">www.22222js.com</a>
<a href="http://www.1188js.com">www.1188js.com</a>	<a href="http://www.1133js.com">www.1133js.com</a>	<a href="http://www.33333js.com">www.33333js.com</a>
<a href="http://www.1177js.com">www.1177js.com</a>	<a href="http://www.88888js.com">www.88888js.com</a>	<a href="http://www.1188js.com">www.1188js.com</a>
<a href="http://www.1199js.com">www.1199js.com</a>	<a href="http://www.6953.com">www.6953.com</a>	<a href="http://www.1199js.com">www.1199js.com</a>
<a href="http://www.jinsha7777.com">www.jinsha7777.com</a>	<a href="http://www.99999js.com">www.99999js.com</a>	<a href="http://www.js2255.com">www.js2255.com</a>
<a href="http://www.1166js.com">www.1166js.com</a>	<a href="http://www.jinsha3333.com">www.jinsha3333.com</a>	<a href="http://www.js2299.com">www.js2299.com</a>
<a href="http://www.359.com">www.359.com</a>	<a href="http://www.jinsha5555.com">www.jinsha5555.com</a>	<a href="http://www.js33333.com">www.js33333.com</a>
<a href="http://www.jinsha6666.com">www.jinsha6666.com</a>	<a href="http://www.jinsha1111.com">www.jinsha1111.com</a>	<a href="http://www.11111js.com">www.11111js.com</a>



1	www.js55555.com	www.jinsha2222.com	www.1177js.com
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2           24. When an Internet user clicks on one of the links, his or her web browser is  
3 directed to the listed domain name, which is the homepage for an online casino. Each homepage  
4 prominently features Jinsha, the SANDS mark, and the Sunburst design, as well as an image of  
5 Las Vegas Sands Corp.'s Sands Macau Resort Hotel & Casino, as set forth below:



17 Additional screenshots are attached hereto as Exhibit C.

18           25. Displayed at the bottom and in the middle of each page in English are the words  
19 “First Cagayan leisure and Resort Corporation.”

20           26. Other pages of the linked domains and their corresponding websites also  
21 prominently feature the SANDS mark, Jinsha, and the Sunburst design, and offer specific casino  
22 games such as, for example, “Keno,” “3 Card Poker,” “3 Card Poker Gold Series,” “5 Reel  
23 Drive,” “7 Oceans,” “Aces & Faces Power Poker,” “Atlantic City Blackjack,” and “Baccarat.”  
24 (*Id.*)

25           27. The linked domains and their corresponding websites permit gamblers to register,  
26 create individual financial accounts, and gamble by providing identifying information including,  
27 among other things, their credit card numbers and bank information.

28           28. Perhaps most troubling is that the linked domains and their corresponding

1 websites prominently feature the SANDS mark, the Jinsha mark, and the Sunburst design on  
 2 their customer support pages, falsely creating an association or connection between Las Vegas  
 3 Sands Corp. and the linked domains and their corresponding websites. An image showing one  
 4 such page is set forth below:



16 29. On or about January 10, 2014, Las Vegas Sands Corp. received an email from a  
 17 person who claims to have been cheated by Defendants' casino. The email states:

18 I am playing the game at sands (www.358.com). (www.358.com) is cheating me.  
 19 They do not pay money to me from 2014-1-8. They are cheats. I am very angry.  
 My account name is myray. Please help me. I am in Shanghai, China.

20 30. Las Vegas Sands Corp. has not consented to, approved of, or authorized  
 21 Defendants' use of the SANDS Marks, the Jinsha mark, or the Sunburst design in connection  
 22 with www.358.com, www.2089.com, www.jinsha.com, or any other Internet domain or website.

23 31. The SANDS Marks, the Sunburst design and trademark, and the Jinsha trademark  
 24 are embodiments of the substantial goodwill and excellent reputation Las Vegas Sands Corp. and  
 25 its predecessors have developed since 1952 as a premier provider of entertainment and casino  
 26 services. As a result of the Defendants' blatant exploitation of Las Vegas Sands Corp.'s  
 27 trademarks and copyrights without Las Vegas Sands Corp.'s consent, Las Vegas Sands Corp. has  
 28 lost control over the SANDS Marks, the Sunburst design and trademark, and the Jinsha mark.

1 This loss of control over its goodwill and reputation is irreparable and Las Vegas Sands Corp.  
 2 cannot be adequately compensated by an award of money damages alone. As just one example  
 3 makes clear, while Las Vegas Sands Corp. is a strong supporter of the Coalition to Stop Internet  
 4 Gambling, and is presently engaged in publicity and lobbying campaigns aimed at defeating  
 5 measures that would legalize Internet gambling in the United States and elsewhere, the  
 6 Defendants' use of the SANDS Marks on the homepages of online casinos, even though  
 7 unauthorized by Las Vegas Sands Corp., threatens to dilute and detract from Las Vegas Sands  
 8 Corp.'s message and its efforts to stop the proliferation of online gambling.

9 32. Accordingly, the Defendants' actions have caused and are likely to continue to  
 10 cause Las Vegas Sands Corp. to suffer irreparable harm and injury unless temporarily,  
 11 preliminarily, and permanently enjoined by the Court.

#### 12 **COUNT I**

13 (Trademark Infringement under  
 14 the Lanham Act, 15 U.S.C. § 1114(a))

15 33. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
 16 forth herein.

17 34. The Defendants have adopted and begun using the SANDS mark in U.S.  
 18 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the  
 19 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign  
 20 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.  
 21 foreign commerce are sufficiently strong in relation to those of other nations to justify the  
 22 extraterritorial application of the Lanham Act.

23 35. The Defendants' unauthorized use of the SANDS mark on the directory sites and  
 24 on each of the linked domain names and corresponding casino websites constitutes a  
 25 reproduction, copying, counterfeiting, and colorable imitation of the SANDS Marks in a manner  
 26 that is likely to cause confusion or mistake or is likely to deceive consumers.

27 36. The Defendants' unauthorized use of the SANDS mark on the directory sites and  
 28 on each of the linked domain names and corresponding casino websites is likely to cause initial  
 interest confusion by diverting Internet users away from Plaintiff's websites to Defendants'

1 websites.

2 37. As a direct and proximate result of Defendants' infringement, Plaintiff has  
3 suffered, and will continue to suffer, monetary loss and irreparable injury to its business,  
4 reputation, and goodwill.

## 5 **COUNT II**

6 (False Designation of Origin under  
the Lanham Act, 15 U.S.C. § 1125(a)(1)(A))

7 38. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
8 forth herein.

9 39. The Defendants have adopted and begun using the SANDS mark in U.S.  
10 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the  
11 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign  
12 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.  
13 foreign commerce are sufficiently strong in relation to those of other nations to justify the  
14 extraterritorial application of the Lanham Act.

15 40. The Defendants' use of the SANDS mark is likely to cause confusion, cause  
16 mistake, or deceive as to an affiliation, connection, or association between Plaintiff and  
17 Defendants, or as to the origin, sponsorship, or approval of Defendants' services or commercial  
18 activities by Plaintiff.

19 41. As a direct and proximate result of Defendants' false designation of origin,  
20 Plaintiff has suffered, and will continue to suffer, monetary loss and irreparable injury to its  
21 business, reputation, and goodwill.

## 22 **COUNT III**

23 (Trademark Dilution under the Lanham Act, 15 U.S.C. § 1125(c))

24 42. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
25 forth herein.

26 43. The SANDS mark is famous within the meaning of the Federal Trademark  
27 Dilution Act.

28 44. The Defendants have adopted and begun using the SANDS mark in U.S.

1 commerce. In addition to their adoption and use of the SANDS mark in U.S. commerce, the  
2 Defendants' use of the SANDS mark has had or is likely to have an effect on U.S. foreign  
3 commerce that is sufficiently great to injure Plaintiff, and the interests of and links to U.S.  
4 foreign commerce are sufficiently strong in relation to those of other nations to justify the  
5 extraterritorial application of the Lanham Act.

6 45. The Defendants' use of Plaintiff's SANDS mark has, at all times, been willful,  
7 deliberate, and intentional. The Defendants' use of Plaintiff's SANDS mark in commerce was  
8 designed to usurp and wrongfully trade off of the substantial investment and goodwill Plaintiff  
9 has developed in its SANDS Marks.

10 46. The SANDS mark used by Defendants' on each of the websites corresponding to  
11 the domain names identified above is identical or confusingly similar to Plaintiff's SANDS  
12 mark.

13 47. The Defendants' adoption and use in commerce of Plaintiff's SANDS mark began  
14 after Plaintiff's SANDS mark became famous.

15 48. The Defendants' unauthorized adoption and use in commerce of a mark that is  
16 identical to or confusingly similar to Plaintiff's SANDS mark is likely to dilute the  
17 distinctiveness of Plaintiff's SANDS mark within the meaning of the Federal Trademark  
18 Dilution Act.

19 49. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,  
20 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and  
21 goodwill.

22 **COUNT IV**  
(Common Law Trademark Infringement)

23 50. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set  
24 forth herein.

25 51. Plaintiff has been using the SANDS mark and the Sunburst design in commerce  
26 in connection with entertainment, casino services, and gambling since at least as early as 1952.  
27 Plaintiff's use of the SANDS mark and the Sunburst design in commerce predates Defendants'  
28 use of the SANDS mark and the Sunburst design in commerce by decades.

52. Given Plaintiff's longstanding use of the SANDS mark and the Sunburst design in connection with entertainment, casino services, and gambling, and the Defendants' use of Plaintiff's SANDS mark and the Sunburst design in connection with the advertising, promotion, and operation of online casinos accessible from the United States, the Defendants' use of the SANDS mark and the Sunburst design on Internet casino websites constitutes a reproduction, copying, counterfeit, and/or colorable imitation of Plaintiff's SANDS mark and the Sunburst design in a manner that is likely to cause confusion or mistake or that is likely to deceive consumers.

53. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in commerce has, at all times, been willful, deliberate, and intentional. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in commerce was designed to usurp and wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in the SANDS mark and the Sunburst design.

54. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in commerce constitutes common law trademark infringement.

55. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered, and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and goodwill.

#### **COUNT V**

(Common Law Unfair Competition)

56. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set forth herein.

57. Plaintiff has used its SANDS mark and the Sunburst design for decades to identify its entertainment, casino, and gambling services and to distinguish them from those offered and sold by others, by, among other things, prominently displaying the SANDS mark and the Sunburst design in connection with such services.

58. Plaintiff has prominently displayed its SANDS mark and the Sunburst design on the exteriors of its casinos and outdoor signage, within its casinos, on billboards, on letterhead, on bills, in direct mail advertisements, in print ads, in television advertising, and in periodicals



1 distributed throughout the United States, and has used its SANDS mark and the Sunburst design  
2 in connection with its own Internet domain names and websites.

3 59. Plaintiff's goods, services, and advertising have been distributed and offered  
4 worldwide, including in the United States, in China, and on the Internet, where Defendants are  
5 doing business.

6 60. As a result of Plaintiff's sales and advertising under its SANDS mark and the  
7 Sunburst design and as a result of its use of the SANDS mark and the Sunburst design in  
8 connection with Internet domain names and websites, Plaintiff's SANDS mark and the Sunburst  
9 design have developed and acquired a secondary and distinctive trademark meaning to  
10 purchasers in Defendants' trading area.

11 61. Plaintiff's SANDS mark and the Sunburst design have come to indicate to  
12 consumers of entertainment, casino, gambling, and other goods and services, a meaning of high  
13 quality originating only with Plaintiff.

14 62. As a result of the association by purchasers of the SANDS mark and the Sunburst  
15 design with Plaintiff, Defendants' use of the SANDS mark and the Sunburst design is likely to  
16 confuse such purchasers.

17 63. The Defendants' use of Plaintiff's SANDS mark and the Sunburst design in  
18 commerce has, at all times, been willful, deliberate, and intentional. The Defendants' use of  
19 Plaintiff's SANDS mark and the Sunburst design in commerce was designed to usurp and  
20 wrongfully trade off of the substantial investment and goodwill Plaintiff has developed in its  
21 SANDS mark and the Sunburst design.

22 64. The Defendants' use of the SANDS mark and the Sunburst design constitutes  
23 unfair competition under the common law.

24 65. As a direct and proximate result of Defendants' conduct, Plaintiff has suffered,  
25 and will continue to suffer, monetary loss and irreparable injury to its business, reputation, and  
26 goodwill.

27 **Count VI**  
**(Copyright Infringement - 17 U.S.C. § 101 *et seq.*)**

28 66. Plaintiff incorporates the allegations in the preceding paragraphs as if fully set



1 forth herein.

2         67. The Defendants have infringed Plaintiff's copyrights in the Sunburst design by  
3 reproducing and publicly displaying the Sunburst design on websites located at the following  
4 domains without Plaintiff's authorization, license, or consent: www.358.com, www.359.com,  
5 www.2089.com, www.6953.com, www.js2255.com, www.js2299.com, www.js33333.com,  
6 js55555.com, www.jinsha.com, www.jinsha1111.com, www.jinsha2222.com,  
7 www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com, www.jinsha7777.com,  
8 www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, www.1199js.com,  
9 www.11111js.com, www.22222js.com, www.33333js.com, www.66666js.com,  
10 www.88888js.com, and www.99999js.com.

11         68. The Defendants' infringement of Plaintiff's copyrights has, at all times, been  
12 willful, intentional, purposeful, and in disregard of and with indifference to Plaintiff's rights.

13         69. The Defendants profited and continue to profit from their infringement of  
14 Plaintiff's copyrights in the form revenues received from their online casinos and/or revenues  
15 received from the direction of Internet traffic to their online casinos.

16         70. As a direct and proximate result of the Defendants' infringement of Plaintiff's  
17 exclusive rights in the Sunburst design, Plaintiff is entitled to actual damages, including  
18 Defendants' profits attributable to the infringement, as will be proven at trial. Alternatively, at  
19 Plaintiff's election, Plaintiff is entitled to maximum statutory damages, in the amount of  
20 \$150,000 or such other amounts as may be just and appropriate under 17 U.S.C. § 504(c).

21         71. Plaintiff is also entitled to its costs, including reasonable attorneys' fees, pursuant  
22 to 17 U.S.C. § 505.

23         72. The Defendants' conduct is causing and, unless enjoined by this Court, will  
24 continue to cause Plaintiff great and irreparable injury that cannot be fully compensated or  
25 measured by an award of money damages. Plaintiff has no adequate remedy at law. Pursuant to  
26 17 U.S.C. § 502, Plaintiff is entitled to a temporary, preliminary, and permanent injunctive relief  
27 prohibiting the infringement of Plaintiff's copyrights.

28 ///

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiff respectfully prays that the Court grant the following relief:

A. An order granting Plaintiff leave to serve subpoenas upon eNom, Inc. and Whois Privacy Protection Service, Inc., for the purpose of identifying the presently unknown registrants of the www.358.com and www.359.com domain names, and permitting Plaintiff to serve the Summons, Complaint, and all other papers upon such registrants by email to the registrant email address currently listed in the WHOIS database for each domain or to the email address provided by each such registrant to eNom, Inc. and/or Whois Privacy Protection Service, Inc. in connection with the registration of the domain names;

B. An order granting Plaintiff leave to serve subpoenas upon GoDaddy.com, Inc. and DomainsByProxy, LLC, for the purpose of identifying the presently unknown registrants of the www.js2255.com, www.js2299.com, www.js33333.com, js55555.com, www.jinsha.com, www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, and www.1199js.com domain names, and permitting Plaintiff to serve the Summons, Complaint, and all other papers upon such registrants by email to the registrant email address currently listed in the WHOIS database for each domain or to the email address provided by each such registrant to GoDaddy and/or DomainsByProxy, LLC in connection with the registration of the domain names;

C. An order permitting Plaintiff to serve the Summons, Complaint, and all other papers upon Defendants First Cagayan, Yichen, and Leng by email to the email addresses they provided to GoDaddy.com, Inc. and/or eNom, Inc. in connection with the registration of their respective domain names;

D. A temporary, preliminary, and permanent injunction prohibiting the Defendants and their respective officers, agents, servants, employees, and/or all other persons acting in concert or participation with Defendants, from: (1) using the SANDS mark, the Sunburst design, Jinsha, or any confusingly similar variations thereof, alone or in combination with any other letters, words, letter string, phrases or designs in commerce, including, without limitation, on any website, in any domain name, in any social network user name, in any hidden website text, or in any website metatag; and (2) engaging in false or misleading advertising or commercial activities

likely to deceive consumers into believing that any Defendant is the Plaintiff or that any Defendant's services are associated or affiliated with, connected to, or approved sponsored by the Plaintiff;

E. An order requiring domain name registrars eNom, Inc., and GoDaddy.com, Inc., and/or VeriSign, Inc. (the .com domain name registry) to immediately remove or disable the current domain name server information for the: www.358.com, www.359.com, www.2089.com, www.6953.com, www.js2255.com, www.js2299.com, www.js33333.com, js55555.com, www.jinsha.com, www.jinsha1111.com, www.jinsha2222.com, www.jinsha3333.com, www.jinsha5555.com, www.jinsha6666.com, www.jinsha7777.com, www.1133js.com, www.1166js.com, www.1177js.com, www.1188js.com, www.1199js.com, www.11111js.com, www.22222js.com, www.33333js.com, www.66666js.com, www.88888js.com, and www.99999js.com domain names, and place the domain names on hold and lock pending further order of the Court;

F. An award of compensatory, consequential, statutory, and/or punitive damages to Plaintiff in an amount to be determined at trial;

G. An award of interest, costs and attorneys' fees incurred by Plaintiff in prosecuting this action; and

H. All other relief to which Plaintiff is entitled.

Dated: this 20th day of March, 2014

Respectfully submitted,

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